



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, January 22, 2020
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

Dan Roszkowski
Craig Sockwell
Jennifer Smith
Kim Johnsen

Absent:

Maurice Redd
Tom Fabiano
Alicia Neubauer

Staff:

Lafakeria Vaughn – Assistant City Attorney
Darius Morrow – Land Use Planner
Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter – Traffic Engineer
Tim Morris- Fire Prevention Coordinator

Others:

Kathy Berg - Court Stenographer
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, January 27, 2020, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. This information was also presented in written form attached to the agendas and letters to adjacent property owners.

The meeting was called to order at 6:58 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the December 17, 2019 meeting minutes. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0 with Maurice Redd, Alicia Neubauer, and Tom Fabiano absent.

019-LTAB-030

Applicant
Ward 12

2209 North Main Street

Mohammed Abdulrab / North Main Convenience Store Inc.

Sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District

Attorney Tim Whitham, representing the Applicant, was present. Attorney Whitham explained that his client is out of the country and was supposed to get back earlier this week. However, he has had some difficulty with travels so he is asking to set this over one final time. Attorney Whitham said he is working with the Applicant to clear up some issues with the City and needs that time with him to get it done.

Jennifer Smith stated the wording of the business plan makes it seem as though the convenience store is currently in operation and it is not. Ms. Smith wanted to know if there are any plans to start operating a store here without tobacco. Attorney Whitham explained that the store is not in operation and there are no plans to start operating right now. Attorney Whitham further explained that the plans made it look more like a tobacco store than a convenience store and he wanted his client to develop a better interior floor plan. This building has a large interior so it is not a small store. Attorney Whitham needs his client to work on a plan to make sure that it shows that it is more of a convenience store with small tobacco products.

A **MOTION** was made by Jennifer Smith to **LAY OVER** the sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0.

019-LTAB-032

Applicant
Ward 14

3224 South Alpine Road

Adam Jay Fitzgerald / Vape N Juice, Inc.

A Modification of an existing tobacco license to allow the sale of glass and water pipes in conjunction with tobacco products in a C-3, General Commercial Zoning District.

The Applicant, Adam Jay Fitzgerald, was present with his business partner, Jeremy Petrocelli. Mr. Petrocelli explained the vapor store has been in business for 5-6 years and the City changed the policy for vapor shops requiring them to have tobacco licenses. Their business is FDA compliant. Mr. Petrocelli stated the business was warned for selling water pipes and they were informed that they would need to modify their existing tobacco license to be able to sell the water pipes.

Kim Johnsen stated that she did not understand the purpose of glass and water pipes. Mr. Petrocelli explained that pipes can be made out of many different materials and are used primarily for tobacco or

whatever you wanted to smoke. Ms. Johnsen asked if they would be used for vaping juice. Mr. Petrocelli stated vaping juice is not used in these pipes. Mr. Petrocelli further stated they are just trying to keep up with customer demand and trying to please their customer base.

Jennifer Smith asked Staff what are the standard conditions for tobacco and do they always prohibit the sale of glass or hookah pipes. Scott Capovilla explained this has been a condition for 5-6 years. Many stores have come through and it has been a condition of approval on all of them. Mr. Capovilla further stated City Council has been supportive of the condition but some business are still being cited for violating this condition. Dan Roszkowski stated the airplane sized bottles are being used to smoke crack and we are trying to eliminate that problem. Mr. Petrocelli stated they are not that type of business and are seeing a big uptick because of the dispensaries in the area. He stated this was not their primary focus or goal to sell these type of products but they are trying to keep business and not lose it to other businesses.

Mr. Roszkowski asked if Legal had any questions. Attorney Lafakeria Vaughn said she does not have any questions for the Applicant.

Craig Sockwell asked Legal if the City would look at glass pipes differently with the new laws for marijuana. Attorney Vaughn said she doubted that but could not be 100% sure.

During the board discussion, they discussed vapor pipes and the laws governing them. Mr. Roszkowski asked if medical marijuana dispensaries will have to come before this board. Mr. Capovilla stated no and that as the Zoning Officer he made a Zoning determination on the sale, cultivation and infusion use of cannabis based on State law. Mr. Capovilla stated cannabis is highly regulated by the State of Illinois and not by the City. The City is only determining what zoning districts the sales, infusion and cultivation can occur in and the licenses are issued by the State. Mr. Sockwell asked if these pipes could be sold at the dispensaries. Mr. Capovilla stated that he believed this was permitted.

Mr. Roszkowski inquired if the board granted this applicant the right to sell water pipes, if it would run with the land if they sold the business. Mr. Capovilla stated no, that a new owner would require a new application and they would need to go through the LTAB process.

Ms. Johnsen says it is not fair that medical marijuana dispensaries can sell them but City tells tobacco stores they can't sell them. Ms. Smith stated that she appreciated that but there are hookahs that you can use for illicit stuff. Mr. Sockwell stated if the Board approved the request, it could be opening the door to those in the past to come back and ask for this condition to be removed as well. Mr. Roszkowski stated that although all the Board feels comfortable with this particular Applicant that they could be opening up a can of worms. Mr. Sockwell said he did not feel comfortable with this request.

A **MOTION** was made by Craig Sockwell to **DENY** a Modification of an existing tobacco license to allow the sale of glass and water pipes in conjunction with tobacco products in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 3-1 with Jennifer Smith voting Nay.

019-LTAB-033

Applicant
Ward 09

3035 North Rockton Avenue

Raul Alfaro / Hacienda San Jose Restaurant

The sale of liquor by the drink in conjunction with a restaurant in a C-2, Limited Commercial Zoning District

Prior to the meeting, City staff requested their application be laid over.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0.

019-LTAB-034

Applicant
Ward 11

1240 Broadway

David Saleh

The sale of liquor by the drink in conjunction with a tavern with video gaming terminals in a C-4, Urban Mixed-Use Zoning District

Prior to the meeting, City staff requested their application be laid over.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with a tavern with video gaming terminals in a C-4, Urban Mixed-Use Zoning District. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0.

With no further business to come before the Board, the meeting was adjourned at 7:18 PM.

Respectfully submitted,
Darius Morrow, Land Use Planner
Liquor & Tobacco Advisory Board